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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUSTIN STEVEN SINYARD,

Defendant.

Case No. 2:20-cr-008-RFB-EJY

**STIPULATION TO CONTINUE
PRODUCTION OF DISCOVERY**
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Linda Mott, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington, counsel for Defendant Dustin Steven Sinyard, that the deadline of March 23, 2020, be vacated and set to March 25, 2020.

The Stipulation is entered into for the following reasons:

1. Counsel for the government, has formally requested the additional discovery via the Agents. However, one of the agents went out on leave, and the other agent has been ill for the past week. It has been relayed to this office that the information will be forthcoming once the agent is back in office, which was represented as March 25, 2020.

1 2. Unfortunately, having now corresponded with the agent, it is unlikely he
2 will be back to work for another week. The government is working in conjunction with
3 another agent in an effort to obtain the discovery.

4 3. Counsel for Defendant has no objection to a 2-day continuance of the
5 deadline.

6 4. Defendant is in custody and has no objection to a 2-day continuance.

7 5. Additionally, denial of this request for continuance could result in a
8 miscarriage of justice. The parties are requesting the needed time to provide information
9 that will allow counsel for defendant additional time to continue investigation and
10 development of defense strategies. The additional time requested by this Stipulation is
11 excludable in computing the time within which the trial herein must commence pursuant
12 to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering
13 the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

14 This is the First stipulation to continue discovery deadline filed herein.

15 DATED this 23rd day of March, 2020.

16 NICHOLAS A. TRUTANICH
17 United States Attorney

18 /s/ Linda Mott

19 LINDA MOTT
20 Assistant United States Attorney

21 /s/ Nisha Brooks-Whittington

22 Assistant Federal Public Defender
23 Counsel for Dustin Steven Sinyard
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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 DUSTIN STEVEN SINYARD,

7 Defendant.

Case No. 2:20-cr-292-RFB-EJY

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

8 **FINDINGS OF FACT**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore,
10 the Court finds that:

11 1. Counsel for the government needs additional time to receive additional
12 discovery based on the deadline given by the Court.

13 2. Defendant is in custody and does not object to the continuance.

14 3. Thus, all parties agree to the continuance.

15 4. The additional time requested herein is not sought for purposes of delay, but
16 to allow counsel for the government to further acquire the discovery from the Las Vegas
17 Metropolitan Police Department.

18 5. Denial of this request for continuance could result in a miscarriage of justice.
19 The additional time requested by this Stipulation is excludable in computing the time
20 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
21 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United
22 States Code, Section 3161(h)(7)(B)(i), (iv).

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest
3 of the public and the defendant in a speedy trial, since the failure to grant said continuance
4 would be likely to result in a miscarriage of justice, would deny the parties herein sufficient
5 time and the opportunity within which to be able to effectively and thoroughly prepare for
6 trial, taking into account the exercise of due diligence.

7 The continuance sought herein is excusable under the Speedy Trial Act, Title 18,
8 United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title
9 18, United States Code, § 3161(h)(7)(B)(i), (iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED, that the government herein shall have until
12 March 25, 2020, to produce continuing discovery.

13 DATED this 24th day of March, 2020.

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16 RICHARD F. BOULWARE, II
17 UNITED STATES DISTRICT JUDGE
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